

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRAVEL SENTRY, INC.,

Plaintiff,

-against-

**MEMORANDUM
AND ORDER**

06-CV-6415 (ENV)

DAVID A. TROPP,

Defendant.

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DAVID A. TROPP,

Plaintiff,

-against-

08-CV-4446 (ENV)

CONAIR CORP., et al.,

Defendants.

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ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

Earlier today, David Tropp, the defendant in the first-filed of these two actions and the plaintiff in the second-filed action, moved for reconsideration of this Court's March 20th Memorandum and Order ("March 20th M&O") setting schedules for further proceedings in the two cases. See Motion for Reconsideration (Mar. 22, 2013) ("Tropp's Motion for Reconsideration"), ECF Docket Entry #274. Specifically, Tropp objects to the Court's decision not to reopen discovery in the earlier action and to allow only a month of discovery in the second action. See id. at 1. Tropp claims that the Federal Circuit's decision on appeal contemplated that discovery would be reopened on remand, and that the addition of allegations of inducement in his pleadings "will inevitably implicate the need for additional proof and,

concomitantly, additional discovery.” Id. at 2. Tropp asks that the Court stay the schedule set in the March 20th M&O and conduct a case management conference to address these issues. See Tropp’s Motion for Reconsideration at 2.

As a preliminary matter, Tropp apparently failed to consult with the other parties to these related cases before requesting a stay of the schedule and the setting of a case management conference; on that ground alone, the Court would be warranted in denying the relief requested.

In any event, Tropp’s Motion for Reconsideration fails to particularize what additional discovery he wishes to conduct that he did not previously conduct and that was not reasonably within the scope of discovery before the appeal. Therefore, the Court defers decision on Tropp’s request and gives him until March 27, 2013 to file a submission detailing the legal and factual bases for his request for reconsideration. Responses thereto must be filed by April 1, 2013.

SO ORDERED.

Dated: **Brooklyn, New York**
March 22, 2013

/s/ Roanne L. Mann
ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE